

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 451

Introduced by Assembly Member De Leon

February 24, 2009

~~An act to repeal and add Article 6 (commencing with Section 41540) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, relating to education finance. An act to amend Sections 52055.57 and 52059 of, and to add Section 52055.575 to, the Education Code, relating to public school accountability.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 451, as amended, De Leon. Education finance: The Opportunity to Learn Block Grant.

(1) The Public Schools Accountability Act of 1999 requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001, and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. The Public Schools Accountability Act requires a local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 to perform specified tasks, including conducting a self-assessment and implementing a local educational agency plan. The Public Schools Accountability Act authorizes a local educational agency identified for corrective action and subject to a sanction to apply for a one-year, nonrenewable grant of federal improvement funding to assist in its improvement process.

The Public Schools Accountability Act specifies the grant amount for each eligible local educational agency based on the severity of the agency's performance problems.

This bill would delete those requirements and increase the specified amounts for the one-year, nonrenewable grant. The bill would require the Superintendent of Public Instruction and the State Board of Education to consider whether the local educational agency received funding pursuant to (2) below when determining whether the local educational agency shall contract with a district assistance and intervention team or other technical assistance provider. For the 2009–10 fiscal year only, the bill would require that a local educational agency that received a sanction prior to January 1, 2009, and received a one-year, nonrenewable grant be provided with an additional one-time, nonrenewable grant of federal improvement funding, as specified.

(2) This bill would authorize a local educational agency that has schools under its jurisdiction in year 4 or 5 of program improvement under the federal No Child Left Behind Act to apply for a one-year, nonrenewable grant of federal improvement funding in the amount of \$150,000 to assist in improving those schools and would authorize the agency to expend the grant funding over the time period allowable under federal law. As a condition of receiving funding, the bill would require a local educational agency to comply with specified requirements, including providing schools in year four or five of program improvement with funding to implement technical assistance, establishing a district school liaison team, ensuring that all pupils enrolled in a school in year four or five of program improvement continue to have the option to transfer to another public school served by the local educational agency, and ensuring that all pupils enrolled in a school in year four or five of program improvement continue to have supplemental educational services available to them. In allocating those funds, the bill would require the department to give first priority to schools in year 5 of program improvement under federal law. These provisions would become operative only if an appropriation is made for other purposes in the annual Budget Act or another statute.

(3) This bill also would make conforming changes.

~~Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for the provision of instruction at the public elementary and secondary schools that these districts operate and~~

maintain. Existing law establishes a public school funding system that includes, among other elements, various block grants, pursuant to which funds are allocated to local educational agencies for specific purposes. The Targeted Instructional Improvement Block Grant is among the block grants established under existing law.

~~This bill would repeal the provisions that establish the Targeted Instructional Improvement Block Grant. This bill would create the Opportunity to Learn Block Grant, under the administration of the Superintendent of Public Instruction, to provide English language learners, disadvantaged pupils, and certain adults with instructional programs, as specified. The bill would prescribe the purposes for which the Opportunity to Learn Block Grant could be used.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52055.57 of the Education Code is
- 2 amended to read:
- 3 52055.57. (a) ~~(1)~~ Provisions that are applicable to local
- 4 educational agencies under this section are for the purpose of
- 5 implementing federal requirements under the federal No Child
- 6 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The
- 7 satisfaction of these criteria by local educational agencies that
- 8 choose to participate under this article shall be a condition of
- 9 receiving funds pursuant to this section.
- 10 ~~(2) The department shall identify local educational agencies~~
- 11 ~~that are in danger of being identified within two years as program~~
- 12 ~~improvement local educational agencies under the federal No Child~~
- 13 ~~Left Behind Act of 2001, and shall notify those local educational~~
- 14 ~~agencies, in writing, of this status and provide those local~~
- 15 ~~educational agencies with research-based criteria to conduct a~~
- 16 ~~voluntary self-assessment.~~
- 17 ~~(3) The self-assessment shall identify deficiencies within the~~
- 18 ~~operations of the local educational agency, and the programs and~~
- 19 ~~services of the local educational agency.~~
- 20 ~~(4) A local educational agency identified pursuant to paragraph~~
- 21 ~~(2) is encouraged to revise its local educational agency plan based~~
- 22 ~~on the results of the self-assessment.~~

~~(5) The program described in this subdivision shall be referred to as the “Early Warning Program.”~~

~~(b) (1) A local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 shall do all of the following:~~

~~(A) Conduct a self-assessment using materials and criteria based on current research and provided by the department.~~

~~(B) No later than 90 days after a local educational agency is identified for program improvement, contract with a county office of education or another external entity after working with the county superintendent of schools, for both of the following purposes:~~

~~(i) Verifying the fundamental teaching and learning needs in the schools of that local educational agency as determined by the local educational agency self-analysis, and identifying the specific academic problems of low-achieving pupils, including a determination of why the prior plan of the local educational agency failed to bring about increased pupil academic achievement.~~

~~(ii) Ensuring that the local educational agency receives intensive support and expertise to implement local educational agency reform initiatives in the revised local educational agency plan as required by the federal No Child Left Behind Act of 2001.~~

~~(C) Revise and expeditiously implement the local educational agency plan to reflect the findings of the verified self-assessment.~~

~~(D) After working with the county superintendent of schools or an external verifier, contract with an external provider to provide support and implement recommendations to assist the local educational agency in resolving shortcomings identified in the verified self-assessment.~~

~~(2) (A) Subject to the availability of funds in the annual Budget Act for this purpose, a local educational agency described in paragraph (1) annually may receive fifty thousand dollars (\$50,000), plus ten thousand dollars (\$10,000) for each school that is supported by federal funds pursuant to Title I of the federal No Child Left Behind Act of 2001 within the local educational agency, for the purpose of fulfilling the requirements of this subdivision. If funding is not provided in the annual Budget Act or other statute, local educational agencies shall not be subject to the requirements of subparagraphs (B) and (D) of paragraph (1).~~

1 ~~(B) Subject to the availability of funds appropriated in the annual~~
2 ~~Budget Act for this purpose, a local educational agency identified~~
3 ~~as a program improvement local educational agency during the~~
4 ~~2005-06 fiscal year, shall receive priority for funding based upon~~
5 ~~the performance of the socioeconomically disadvantaged subgroup~~
6 ~~of the local educational agency on the Academic Performance~~
7 ~~Index. Priority for funding shall be provided to the lowest~~
8 ~~performing local educational agencies that are identified as program~~
9 ~~improvement local educational agencies. It is the intent of the~~
10 ~~Legislature that funds apportioned pursuant to this paragraph be~~
11 ~~used to support activities identified in paragraph (1).~~

12 ~~(C) It is the intent of the Legislature that a local educational~~
13 ~~agency identified as a program improvement local educational~~
14 ~~agency receive no more than two years of funding pursuant to this~~
15 ~~paragraph.~~

16 ~~(e)~~

17 ~~(b) A local educational agency that has been identified for~~
18 ~~corrective action under the federal No Child Left Behind Act of~~
19 ~~2001 shall be subject to one or more of the following sanctions as~~
20 ~~recommended by the Superintendent and approved by the state~~
21 ~~board:~~

22 ~~(1) Replacing local educational agency personnel who are~~
23 ~~relevant to the failure to make adequate yearly progress.~~

24 ~~(2) Removing schools from the jurisdiction of the local~~
25 ~~educational agency and establishing alternative arrangements for~~
26 ~~the governance and supervision of those schools.~~

27 ~~(3) Appointing, by the state board, a receiver or trustee, to~~
28 ~~administer the affairs of the local educational agency in place of~~
29 ~~the county superintendent of schools and the governing board.~~

30 ~~(4) Abolishing or restructuring the local educational agency.~~

31 ~~(5) Authorizing pupils to transfer from a school operated by the~~
32 ~~local educational agency to a higher performing school operated~~
33 ~~by another local educational agency, and providing those pupils~~
34 ~~with transportation to those schools, in conjunction with carrying~~
35 ~~out not less than one additional action described under this~~
36 ~~paragraph.~~

37 ~~(6) Instituting and fully implementing a new curriculum that is~~
38 ~~based on state academic content and achievement standards,~~
39 ~~including providing appropriate professional development based~~
40 ~~on scientifically based research for all relevant staff, that offers~~

1 substantial promise of improving educational achievement for
2 high-priority pupils.

3 (7) Deferring programmatic funds or reducing administrative
4 funds.

5 ~~(d)~~

6 (c) (1) The department shall develop, and the state board shall
7 approve at a public meeting, objective criteria by which a local
8 educational agency identified for corrective action and subject to
9 a sanction listed under subdivision-~~(e)~~ *(b)* shall be evaluated to
10 determine the pervasiveness and severity of its performance
11 problems and the sanction to be imposed.

12 (2) A local educational agency identified for corrective action
13 and subject to a sanction listed under subdivision-~~(e)~~ *(b)* may apply
14 for a one-year, nonrenewable grant of federal improvement funding
15 to assist in its improvement process ~~and, including improving the~~
16 *academic achievement of schools under its jurisdiction identified*
17 *for program improvement pursuant to federal law. A local*
18 *educational agency may expend that grant funding over the time*
19 *period allowable under federal law. It is the intent of the Legislature*
20 *to integrate federal funding that is available for this purpose,*
21 *including, but not limited to, funding for program improvement*
22 *and school improvement grants pursuant to Section 6303 of Title*
23 *20 of the United States Code.*

24 (3) The amount of a grant for a local educational agency with
25 extensive and severe performance problems shall be ~~one two~~
26 ~~hundred fifty thousand dollars~~ *(\$200,000)* per school
27 identified for program improvement pursuant to federal law. The
28 amount of a grant for a local educational agency with moderate
29 performance problems shall be ~~one one hundred fifty thousand~~
30 ~~dollars~~ *(\$150,000)* per school identified for program
31 improvement pursuant to federal law. The amount of a grant for
32 a local educational agency with minor or isolated performance
33 problems shall be ~~fifty one hundred thousand dollars~~ *(\$100,000)*
34 *per school identified for program improvement pursuant*
35 *to federal law.*

36 (4) (A) A local educational agency that receives funding under
37 this subdivision shall use the funds in accordance with Section
38 6316(b) and (c) of Title 20 of the United States Code. Pursuant to
39 the technical assistance requirements under the federal No Child
40 Left Behind Act of 2001 outlined in Section 6312(b) and (c) and

1 Section 6317 of Title 20 of the United States Code, the
2 Superintendent may recommend, and the state board may approve,
3 that a local educational agency contract with a district assistance
4 and intervention team or other technical assistance provider to
5 receive guidance, support, and technical assistance *in improving*
6 *the academic achievement of schools under its jurisdiction, with*
7 *a focus on schools identified for program improvement pursuant*
8 *to federal law.* A district intervention and assistance team or other
9 technical provider with which a local educational agency is required
10 to contract shall perform the duties specified in subdivision (e) of
11 Section 52059.

12 *(B) The Superintendent and the state board shall consider*
13 *whether the local educational agency received funding pursuant*
14 *to Section 52055.575 when determining whether the local*
15 *educational agency shall contract with a district assistance and*
16 *intervention team or other technical assistance provider pursuant*
17 *to this paragraph.*

18 (5) Notwithstanding any other law, a local educational agency
19 that receives funding under this subdivision or that receives other
20 federal funds for school improvement shall not use those funds to
21 compensate a receiver or trustee assigned by the state board
22 pursuant to paragraph (3) of subdivision ~~(e)~~ (b).

23 ~~(e)~~
24 (d) A local educational agency that has received a sanction under
25 subdivision ~~(e)~~ (b) and has not exited program improvement under
26 the federal No Child Left Behind Act of 2001 shall appear before
27 the state board within three years to review the progress of the
28 local educational agency. Upon hearing testimony and reviewing
29 written data from the local educational agency, the district
30 assistance and intervention team, or county superintendent of
31 schools, the Superintendent shall recommend, and the state board
32 may approve, an alternative sanction under subdivision ~~(e)~~ (b), or
33 may take any appropriate action.

34 ~~(f) Subject to the availability of funds in the annual Budget Act~~
35 ~~for this purpose, a local educational agency that is not identified~~
36 ~~as a program improvement local educational agency under the~~
37 ~~federal No Child Left Behind Act of 2001 may annually receive~~
38 ~~up to fifteen thousand dollars (\$15,000) per school identified as a~~
39 ~~program improvement school for the purposes of supporting~~
40 ~~schools identified as program improvement schools in the local~~

~~educational agency and determining barriers to improved pupil academic achievement. That local educational agency shall receive no less than forty thousand dollars (\$40,000) and no more than one million five hundred thousand dollars (\$1,500,000) for those purposes. The Superintendent shall compile a list that ranks each local educational agency based on the number of, and percentage of, schools identified as program improvement schools and shall provide this funding to local educational agencies equally from each list until all funds appropriated for this purpose are depleted. These funds shall be provided for no more than three years.~~

(e) For the 2009–10 fiscal year only, a local educational agency that received a sanction pursuant to subdivision (b) prior to January 1, 2009, and received funding pursuant to paragraph (2) of subdivision (c) shall be provided with an additional one-time, nonrenewable grant of federal improvement funding to assist in its improvement process and may expend that grant funding over the time period allowable under federal law. The Superintendent shall recommend, and the state board shall approve, a grant amount equal to the difference between the amount the local educational agency received for the sanction that the state board approved prior to January 1, 2009, and the grant amounts specified in paragraph (2) of subdivision (c).

~~(g)~~

(f) For purposes of this article, “local educational agency” means a school district, county office of education, or charter school that elects to receive its funding directly pursuant to Section 47651, and that provides public educational services to pupils in kindergarten or any of grades 1 to 12, inclusive.

SEC. 2. Section 52055.575 is added to the Education Code, to read:

52055.575. (a) A local educational agency that has schools under its jurisdiction in year four or five of program improvement under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) may apply for a one-year, nonrenewable grant of federal improvement funding to assist in improving those schools and may expend the grant funding over the time period allowable under federal law. In utilizing funds provided to schools in this paragraph, a local educational agency may contract with an outside entity on behalf of schools in year four or five of program improvement, including, but not limited to, a schoolsite assistance

1 *and intervention team as defined in subparagraph (b) of Section*
2 *52055.51 to assist with the assessment of the schoolsite plan.*

3 *(b) As a condition of receiving funding, a local educational*
4 *agency shall do all of the following:*

5 *(1) Provide schools in year four or five of program improvement*
6 *under the federal No Child Left Behind Act of 2001 with funding*
7 *to implement technical assistance pursuant to the federal No Child*
8 *Left Behind Act of 2001 outlined in Section 6312(b) and (c) and*
9 *Section 6317 of Title 20 of the United States Code to improve*
10 *academic achievement, with focus on significant subgroups. This*
11 *funding shall be used to assess the current schoolsite plan for*
12 *academic achievement to identify any deficiencies that exist within*
13 *the operations of the schoolsite, and the programs and services of*
14 *the schoolsite, including the use of existing funds at the schoolsite.*
15 *As part of this process, schoolsites shall include the district liaison*
16 *team established pursuant to paragraph (2) and school staff,*
17 *including, but not limited to, teachers and administrators.*

18 *(A) The assessment of the schoolsite plan shall use materials*
19 *and criteria based on current research and existing tools*
20 *recommended by the department.*

21 *(B) The assessment of the schoolsite plan shall include*
22 *recommendations on addressing deficiencies in academic*
23 *achievement, with focus on significant subgroups. The assessment*
24 *shall include a detailed description of how existing state and*
25 *federal schoolsite and school district resources will be used to*
26 *implement improvements in academic achievement with a focus*
27 *on significant subgroups. For year five program improvement*
28 *schools, the assessment shall include specific recommendations*
29 *to implement restructuring requirements pursuant to Section*
30 *6316(b)(8) of Title 20 of the United States Code.*

31 *(C) No later than 60 days after the local educational agency*
32 *receives funding pursuant to subdivision (c), schools in program*
33 *improvement year four or five shall complete the assessment of*
34 *the schoolsite plan and submit it to the department.*

35 *(D) No later than 90 days after the local education agency*
36 *receives funding pursuant to subdivision (c), the governing board*
37 *of the local education agency shall approve the assessment and*
38 *its recommendations at a regularly scheduled public meeting.*

39 *(2) Establish a district school liaison team to coordinate with*
40 *schools in year four or five of program improvement under the*

1 *federal No Child Left Behind Act of 2001 to improve academic*
2 *achievement at each school, with focus on significant subgroups.*
3 *The district liaison team shall work with schoolsite staff, including,*
4 *but not limited, to teachers and administrators, to reexamine its*
5 *schoolsite plan for academic achievement pursuant to paragraph*
6 *(1). The district liaison team shall ensure the assessment conducted*
7 *by a school in year four or five of program improvement is*
8 *consistent with the local educational agency plan required under*
9 *Section 6312 of Title 20 of the United States Code.*

10 (3) *Ensure that all pupils enrolled in a school in year four or*
11 *five of program improvement under the federal No Child Left*
12 *Behind Act of 2001 continue to have the option to transfer to*
13 *another public school served by the local educational agency*
14 *pursuant to Section 6316(b)(1)(E) of Title 20 of the United States*
15 *Code.*

16 (4) *Ensure that all pupils enrolled in a school in year four or*
17 *five of program improvement under the federal No Child Left*
18 *Behind Act of 2001 continue to have supplemental educational*
19 *services available to them pursuant to Section 6316(e)(1) of Title*
20 *20 of the United States Code.*

21 (c) *Subject to the availability of funds in the annual Budget Act*
22 *for this purpose, the amount of a grant for a local educational*
23 *agency with schools in year four or five program improvement*
24 *shall be one hundred fifty thousand dollars (\$150,000) per school*
25 *identified in year four or five schools in program improvement*
26 *pursuant to federal law. In allocating these funds, the department*
27 *shall give first priority to schools in year five of program*
28 *improvement under federal law.*

29 (d) *A local educational agency may provide funds allocated*
30 *pursuant to subdivision (c) to schools in year four or five of*
31 *program improvement to implement the recommendations of the*
32 *assessment pursuant to paragraph (1) of subdivision (b). A local*
33 *educational agency that receives funding under this subdivision*
34 *shall use the funds in accordance with Section 6303 of Title 20 of*
35 *the United States Code.*

36 (e) *Schools that receive funds pursuant to subdivision (d) may*
37 *provide the following:*

38 (1) *Assistance to schoolsite staff in analyzing pupil assessment*
39 *data to improve academic achievement, with focus on significant*
40 *subgroups.*

1 (2) *Professional development that is based on scientifically*
2 *based research, the state-adopted academic content standards,*
3 *and addresses the instructional needs of pupils, with focus on*
4 *English language learners and pupils with special needs.*

5 (f) *For purposes of this article, “local educational agency”*
6 *means a school district, county office of education, or charter*
7 *school that elects to receive its funding directly pursuant to Section*
8 *47651, and that provides public educational services to pupils in*
9 *kindergarten or any of grades 1 to 12, inclusive.*

10 (g) *This section shall become operative only if an appropriation*
11 *is made for its purposes in the annual Budget Act or another*
12 *statute.*

13 SEC. 3. *Section 52059 of the Education Code is amended to*
14 *read:*

15 52059. (a) For purposes of complying with the federal No
16 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a
17 statewide system of school support shall be established by the
18 department to provide a statewide system of intensive and sustained
19 support and technical assistance for school districts, county offices
20 of education, and schools in need of improvement. The system
21 shall consist of regional consortia as well as district assistance and
22 intervention teams and other technical assistance providers.

23 (b) The regional consortia shall work collaboratively with, and
24 provide technical assistance to, school districts and schools in need
25 of improvement by doing the following:

26 (1) Reviewing and analyzing all facets of the operation of a
27 local educational agency or school, including the following:

28 (A) The design and operation of the instructional program
29 offered by the local educational agency or school.

30 (B) The recruitment, hiring, and retention of principals, teachers,
31 and other staff, including vacancy issues. The regional consortia
32 may request the assistance of the Fiscal Crisis and Management
33 Assistance Team to review school district or school recruitment,
34 hiring, and retention practices.

35 (C) The roles and responsibilities of district and school
36 management personnel.

37 (2) Assisting the local educational agency or school in
38 developing recommendations for improving pupil performance
39 and school operations.

1 (3) Assisting the local educational agency or school in efforts
2 to eliminate misassignments of certificated personnel.

3 (c) For purposes of performing the functions specified in
4 subdivision (b), funds for the regional consortia shall be distributed
5 based on the number of Title I schools, the pupil enrollment in
6 those schools, and the number of school districts in each region
7 that have been identified as being in need of improvement pursuant
8 to Section 6316 of Title 20 of the United States Code.

9 (d) The regional consortia shall ensure that support is provided
10 in the following order of priority:

11 (1) To school districts or county offices of education with
12 schools that are subject to corrective action under Section
13 6316(b)(7) of Title 20 of the United States Code.

14 (2) To school districts or county offices of education with
15 schools that are identified as being in need of improvement
16 pursuant to Section 6316(b) of Title 20 of the United States Code.

17 (3) To provide support and assistance to school districts and
18 county offices of education with schools participating under the
19 federal No Child Left Behind Act of 2001 that need support and
20 assistance to achieve the purposes of that act.

21 (4) To provide support and assistance to other school districts
22 and county offices of education with schools participating in a
23 program carried out under this chapter.

24 (e) In accordance with paragraph (4) of subdivision (d) of
25 Section 52055.57, the Superintendent may recommend, and the
26 state board may approve, that a local educational agency that has
27 been identified for corrective action under the federal No Child
28 Left Behind Act of 2001 contract with a district assistance and
29 intervention team or other technical assistance provider to receive
30 technical assistance, including, but not limited to, a needs
31 assessment of the local educational agency *in order to improve*
32 *the academic achievement of schools under its jurisdiction*
33 *identified for program improvement pursuant to federal law.*

34 (1) The Superintendent shall develop, and the state board shall
35 approve, standards and criteria to be applied by a district assistance
36 and intervention team or other technical assistance provider in
37 carrying out its duties. The standards and criteria that a district
38 assistance and intervention team or other technical assistance
39 provider shall use in assessing a local educational agency shall
40 address, at a minimum, all of the following areas:

1 (A) Governance.

2 (B) Alignment of curriculum, instruction, and assessments to
3 state standards.

4 (C) Fiscal operations.

5 (D) Parent and community involvement.

6 (E) Human resources.

7 (F) Data systems and achievement monitoring.

8 (G) Professional development.

9 (2) Not later than 120 days after the assignment of a district
10 assistance and intervention team or other technical assistance
11 provider, or the next regularly scheduled meeting of the state board
12 following the expiration of the 120 days, the team shall complete
13 a report based on the findings from the needs assessment performed
14 pursuant to paragraph (1). The report shall include, at a minimum,
15 recommendations for improving the areas specified in paragraph
16 (1) that are found to need improvement. The report also shall
17 address the manner in which existing resources should be redirected
18 to ensure that the recommendations can be implemented.

19 (3) Not later than 30 days after completion of the report specified
20 in paragraph (2), the governing board of the local educational
21 agency may submit an appeal to the Superintendent to be exempted
22 from implementing one or more of the recommendations made in
23 the report. The Superintendent, with approval of the state board,
24 may exempt the local educational agency from complying with
25 one or more of the recommendations made in the report.

26 (4) Not later than 60 days after completion of the report, the
27 governing board of the local educational agency shall adopt the
28 report recommendations described in paragraph (2), as modified
29 by any exemptions granted by the Superintendent under paragraph
30 (3), at a regularly scheduled meeting of the governing board.

31 (f) A local educational agency that is required to contract with
32 a district assistance and intervention team or other technical
33 assistance provider pursuant to this section shall reserve funding
34 provided under subdivision (d) of Section 52055.57 to cover the
35 entire cost of the team or other technical assistance provider before
36 using that funding for other reform activities.

37 (g) Upon an evidence-based finding that a district assistance
38 and intervention team or other technical assistance provider has
39 not fulfilled its legal obligations pursuant to this section, the
40 Superintendent, with the approval of the state board, may remove

1 the district assistance and intervention team or other technical
2 assistance provider from the state list of eligible providers.

3 (h) The provisions of this section are declarative of technical
4 assistance requirements under the federal No Child Left Behind
5 Act of 2001 outlined in Section 6316(b) and (c) and Section
6 6317(a) of Title 20 of the United States Code.

7 (i) For purposes of this article, all references to schools shall
8 include charter schools.

9 ~~SECTION 1. Article 6 (commencing with Section 41540) of~~
10 ~~Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education~~
11 ~~Code is repealed.~~

12 ~~SEC. 2. Article 6 (commencing with Section 41540) is added~~
13 ~~to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education~~
14 ~~Code, to read:~~

15
16 ~~Article 6. The Opportunity to Learn Block Grant~~
17

18 ~~41540. (a) There is hereby established the Opportunity to~~
19 ~~Learn Block Grant under the administration of the Superintendent.~~
20 ~~It is the intent of the Legislature that school districts use these~~
21 ~~block grant funds to provide English language learner pupils and~~
22 ~~economically disadvantaged pupils in kindergarten and grades 1~~
23 ~~to 12, inclusive, and adults, where applicable, with high-quality~~
24 ~~instructional programs and services in order to increase pupil~~
25 ~~achievement, including achieving proficiency in the English~~
26 ~~language.~~

27 ~~(b) If a school district is not in violation of a court order~~
28 ~~regarding desegregation, the school district may expend funds~~
29 ~~received pursuant to the article for any purpose authorized in this~~
30 ~~article.~~

31 ~~(c) For purposes of this article:~~

32 ~~(1) "Economically disadvantaged pupil" is defined pursuant to~~
33 ~~subdivision (a) of Section 54026.~~

34 ~~(2) "English language learner pupil" means a pupil described~~
35 ~~in subdivision (a) of Section 306 or identified as a pupil of limited~~
36 ~~English proficiency, as that term is defined in subdivision (m) of~~
37 ~~Section 52163.~~

38 ~~(3) "School district" includes a county office of education if~~
39 ~~county offices of education are eligible to receive funds for the~~
40 ~~programs that are listed in Section 41541. The block grant of a~~

1 county office of education shall be based on only those programs
2 for which it was eligible to receive funds in the 2008-09 fiscal
3 year.

4 41541. The Opportunity to Learn Block Grant shall be used
5 for any of the following purposes:

6 (a) To establish and support programs that provide direct pupil
7 services to English language learner pupils and economically
8 disadvantaged pupils in kindergarten and grades 1 to 12, inclusive;
9 in order to improve the academic achievement of these pupils,
10 including achieving proficiency in English.

11 (b) To provide professional development to teachers of English
12 language learner pupils and economically disadvantaged pupils
13 that is based on the state academic content standards pursuant to
14 Section 60605 and the English language development standards
15 pursuant to Section 60811.

16 (c) Establish and support programs that provide direct
17 instructional support in order for English language learner pupils
18 and economically disadvantaged pupils to meet high school
19 graduation requirements pursuant to Section 51225.3 and to meet
20 the California High School Exit examination graduation
21 requirement pursuant to Section 60851.

22 (d) Provide free or subsidized programs of adult English
23 language instruction to parents or other members of the community
24 who pledge to provide personal English language tutoring to
25 improve the English language proficiency of California children
26 with limited English proficiency.

27 41542. (a) The Opportunity to Learn Block Grant shall include
28 funding appropriated to school districts prior to January 1, 2010,
29 for the following programs:

30 (1) Targeted Instructional Improvement Block Grant, as set
31 forth in former Article 6 (commencing with Section 41540) as it
32 read on December 31, 2009.

33 (2) English Language Acquisition Program, as set forth in
34 Chapter 4 (commencing with Section 400) of Part 1 of Division 1
35 of Title 1.

36 (3) Community-based English Tutoring, as set forth in Article
37 4 (commencing with Section 315) of Chapter 3 of Part 1 Division
38 1 of Title 1.

~~(4) Bilingual Teacher Training Assistance Program, as set forth in Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of Division 4.~~

~~(5) Professional development to address the needs of teachers of English learners pursuant to Chapter 524 of the Statutes of 2006 as allocated in Provision (3) of Item 6110-137-0001 of Section 2.00 of the annual Budget Act.~~

~~(6) Economic impact aid, as set forth in Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 of Division 4.~~

~~(b) A school district may expend funds received pursuant to this block grant for any purpose authorized by the programs listed in subdivision (a), as the statutes governing those programs read on December 31, 2009.~~

~~(c) For the 2010-11 fiscal year, the Superintendent shall apportion block grant funds to a school districts in the same relative statewide proportion that the school district received in the 2008-09 fiscal year for the purposes specified in Section 41541.~~

~~(d) (1) Commencing with the 2010-11 fiscal year, the Superintendent shall apportion block grant funds to a school district for purposes specified in subdivision (a) pursuant to Section 54022.~~

~~(2) School districts that provide instructional services to adults pursuant to paragraph (3) of subdivision (a) shall use no more than _____ percent of their total allocation for this purpose.~~

~~41543. The amount of funding a school district or charter school receives pursuant to this article shall be adjusted annually for inflation by the amount calculated pursuant to Section 42238.1 and growth as measured by the regular average daily attendance used to calculate the second principal apportionment for kindergarten and grades 1 to 12, inclusive, unless otherwise provided in the annual Budget Act.~~

~~41544. In expending funds received pursuant to this article, a school district shall give first priority to funding the costs of a court-ordered desegregation program if the order exists and is still in force.~~